

November 1, 2023

VIA CERTIFIED MAIL:

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DISTRICT OF NEW JERSEY
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Hon. Susan D. Wigenton, USDJ
United States District Court
Martin Luther King, Jr. Federal Building
and United States Courthouse
50 Walnut St
Newark, NJ 07101

Re: Ankur Agarwal v. United States
Civil No. 23-2479 (related to Crim. No. 19-770-SDW)

Dear Judge Wigenton:

Petitioner Ankur Agarwal respectfully requests an extension of 90 days for answering Government's response to Petitioner's pro se motion to vacate, set aside, or correct his sentence pursuant to 28 USC §2255. The Government's response in opposition, although extensive in recounting what it claims is overwhelming evidence, fails to recognize the impact of deficient performance by Petitioner's counsel. In fact, Government asks the Court to agree to ignore the failure of raising arguments as non-consequential due to not meeting the test of prejudice. Further, the Government has taken an affidavit from each of Petitioner's counsel and concocted a strategy for the counsel in order to demonstrate counsel's sound strategy, which is not allowed. Government's response appears to be a maneuver to re-characterize the significance of claims made by Petitioner's §2255 motion to avoid having the Court rule on the merits. Asking the Court to use its authority denying evidentiary hearing or certificate of appealability would also be premature. To correct the re-characterization as well as to resolve conflicts between the Government's response and the record, Petitioner must study strategy as well as law for ineffective assistance during trial and appeals.

Petitioner received the Government's response on October 6. He has not had sufficient time to get back. In lieu of Electronic Court Filing (ECF) Petitioner submits extension request via Certified Mail.

Respectfully submitted,



Ankur Agarwal, pro se
Reg. #71563-050

cc:

Clara Kim, Assistant US Attorney (by first class mail)
970 Broad St
7th Floor
Newark, NJ 07102

⇒71563-050⇒

Ankur Agarwal
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FCI Ft Dix Satellite Camp
FORT DIX, NJ 08640
United States

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